

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00046-MR-WCM**

ALWINA FYKES, individually,)
on her own behalf and on behalf)
of all others similarly situated,)

Plaintiff,

v.

HALLELUJAH ACRES, INC.,)
a North Carolina corporation,)
and **DOES 1 to 10**,)

Defendants.

ORDER

This matter is before the Court on a “Notice of Withdrawal of Motion for Leave and to Continue Discovery Deadlines” (the “Notice,” Doc. 26).

In the Notice, Plaintiff states that she intends to dismiss a separate proceeding she has brought in the United States District Court for the Central District of California, In re SUBPOENA TO 317 LABS, INC., 2:24-mc-00079-FLA-MAR (the “California Action”).

Additionally, Plaintiff states that she has stipulated to the dismissal of the instant case against all Doe defendants (Doc. 25), has withdrawn a previously filed “Motion for Leave to Communicate with Party and Continue Discovery Deadlines” (the “Motion,” Doc. 24), and will be filing a motion for default judgment within the next 14 days.

Consequently, Plaintiff requests that a hearing on the Motion and a status conference that are scheduled for December 20, 2024 be removed from the calendar.

As the Motion has been withdrawn, no hearing is necessary.

However, the undersigned is not persuaded that the status conference should be canceled at this time. Plaintiff may, though, renew her request to cancel the conference in the event the California Action is dismissed and Plaintiff has taken such action as is necessary to further prosecute the instant case and bring it to a close.

Therefore, Plaintiff's request, as set forth in the Notice (Doc. 26), is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the hearing on Plaintiff's now-withdrawn Motion is **CANCELED** and Plaintiff's request to cancel the December 20, 2024 status conference is **DENIED WITHOUT PREJUDICE**.

It is so ordered.

Signed: December 6, 2024



W. Carleton Metcalf
United States Magistrate Judge

